

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNICARE LIFE & HEALTH
INSURANCE COMPANY,
a Delaware corporation,

Plaintiff,

Civil No. 04-75037
Hon. John Feikens

v.

LOVIE THOMAS, LORENE BROWN,
LAWRENCE THOMAS, DENISE THOMAS,
RUTH SIMMS, ANGELA SIMMS,
SHIRLEY CAMPER, RUBEN BRADFORD,
VINCENT CAMPER and ANDREANA McGEE,
individuals,

Defendants.

_____ /

OPINION AND ORDER

On December 28, 2004, Plaintiff Unicare Life & Health Insurance Company filed a Complaint for Interpleader against the above-named Defendants. At issue are the life insurance proceeds for Reubin Thomason, who was insured under Ford Motor Company's group policy (the "Policy"). (Compl. at ¶ 18; Ex. A.) Plaintiff believes that Thomason died on or about March 27, 2004. Id. at ¶ 22. Plaintiff claims that Thomason's former wife, Defendant Lovie Thomas, is Thomason's last-named beneficiary for the Policy. Id. at ¶¶ 24-25. Plaintiff says that in September 2004 it received letters from Defendants Ruth Simms (Thomason's daughter) and Shirley Camper, both objecting to the payment of Policy proceeds to Defendant Lovie Thomas

and requesting that a court decide the proper beneficiary. Id. at ¶¶ 26-27. On September 13, 2005, I granted Plaintiff's motion to deposit the Policy proceeds of \$16,463.13 with the Clerk of the Court so that this Court could determine to whom the proceeds are owed.

From March through May 2005, waivers of service were returned executed by each of the above-named Defendants, stating that a copy of the Complaint had been received. Answers were filed by the following Defendants: Shirley Camper, Ruth Simms, Angela Simms, and Lorene Brown. An unsigned letter was received from Ruben Bradford. The Answers are in the form of letters written by the individual Defendants, and none of these Defendants are represented by an attorney.

On or about August 24, 2005, this Court provided each of the above-named Defendants with an additional courtesy copy of the Complaint and informed them that they were required to answer in order to remain participants in this lawsuit. It is now more than 60 days later, and five of the ten Defendants never have answered. I DISMISS the following Defendants for failure to answer: Lovie Thomas, Lawrence Thomas, Denise Thomas, Vincent Camper, and Andreana McGee.

Of the remaining Defendants, Ruth Simms and Shirley Camper formally have requested appointed counsel, and others informally have requested the same. I DENY these requests for appointed counsel because at this time the legal issues involved in this case are not complex enough to require an attorney's assistance. Additionally, because the sum at issue is relatively small (\$16,463.13), I am concerned that attorney fees would decrease any award received by the Defendants.

Plaintiff's Complaint claims that Lovie Thomas is Reubin Thomason's last-named Policy

beneficiary. (Compl. at ¶¶ 24-25.) Although Plaintiff attached a copy of the Policy as Complaint Exhibit A, Plaintiff failed to provide documentation that Lovie Thomas is in fact the last-named beneficiary. I ORDER Plaintiff and the remaining Defendants to file with this Court any documents that show Reubin Thomason's most recent Policy beneficiary designation. Such documents shall be filed within 30 days of the date of this Order.

IT IS SO ORDERED.

Date: November 8, 2005

s/John Feikens

United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on November 8, 2005, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager